

REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 stand rejected.

Claims 1 and 5 have been amended.

Rejection of Claims under 35 U.S.C. §102

Claims 1-11, 13, 14 and 18-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by McConica, et al, U.S. Patent No. 6,741,271 (McConica).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, it was stated in the Office Action that independent claims 5 and 18 contain limitations that are substantially similar to those of independent claim 1, leading to the conclusion that independent claims 5 and 18 could be rejected under the same basis as independent claim 1. Applicants respectfully disagree.

Claim 1, as now amended, recites:

1. A method for collaborative computing in a system, the method comprising:
allocating resources of a dynamic computing environment using a first user interface,
wherein

the dynamic computing environment comprises at least one resource;
sharing the at least one resource between the first user interface and a second user
interface;
executing an application on the at least one allocated resource using either the first user
interface or the second user interface;
transferring information generated by execution of the application to the first user
interface; and
transferring the information generated by execution of the application to the second user
interface in response to a command to collaborate with the second user interface.

Claim 5, as now amended, recites:

5. A method for providing sharing of a software process among multiple users, the
method comprising:
using a resource computer to transmit information about execution of the process to a
first user computer, wherein
the resource computer executes the process in a first location, and
a first user operates the first user computer in a second location; and
using the resource computer to transmit information about the execution of the process to
a second user computer, wherein
a second user operates the second user computer in a third location, and
the first user computer and the second user computer comprise a
distributed computing environment.

Claim 18 recites:

18. A system for sharing a software process among multiple users, the system comprising:

- a dynamic computing environment;
- a resource computer in the dynamic computing environment that executes the process and transmits information about the process;
- a first user computer in a second location configured to receive information about the execution of the process; and
- a second user computer in a third location configured to receive information about the execution of the process.

As can be seen, claims 1, 5 and 18 (even as amended), though similar, are hardly identical, and in fact, not even so similar that one could successfully characterize them as being sufficiently similar to one another such that the anticipation of one can be said to necessarily imply the anticipation of either of the other two.

Given that claims 1, 5 and 18 lack such sufficient similarity, Applicants respectfully take issue with the Office Action's rejecting claims 5 and 18 on the basis of the rejections cited against claim 1. Thus, with respect to claims 5 and 18, then, Applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated as nearly as practicable with regard to claims 5 and 18, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Nevertheless, the applicants have made every effort to respond to the rejections outlined by the

Examiner with respect to claim 1, and respectfully submit that the infirmities noted herein with regard to claim 1 apply with equal force to claims 5 and 18.

As the Court of Appeals for the Federal Circuit has noted, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Moreover, and, for present purposes, more to the point, MPEP §2131 makes clear the requirements for anticipation:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added)

Thus, in addition to showing every element, the reference must teach their arrangement as required by the claim, and McConica does not teach the applicants’ claimed method for collaborative computing.

Applicants respectfully submit that McConica fails in both these regards for a number of reasons. First, Applicants respectfully assert that, even disregarding the actions recited as the elements of claim 1, for example, a “resource of a dynamic computing environment” is not taught by McConica. As described in the present Specification, a “... resource is any hardware, software, or communication components in the system.” (Specification, p. 7, lines 5-6), as well as computer peripherals, software and/or communication resources, that are part of a dynamic computing environment.

A dynamic computing environment is described therein as follows:

“According to an embodiment of the present invention, the resources for such a processing network are fully selectable and allocable by a system architect. In a specific embodiment, ... technology [is provided] to a system architect for designing a system by allocating resources and specifying how the resources are to be used. The system architect can be an individual, corporate entity, etc. The system is referred to as an ‘environment’ – or more specifically as a ‘computing environment’ and the primary provider of such an environment is referred to as an Environment Service Provider (ESP). A typical system architect is referred to as the ‘customer.’ The primary provider obtains revenue for providing the resources and the tools to easily select, allocate, configure and run the environment.

The specific embodiment of the present invention allows fast allocation and configuration of resources such that different environments can be created from the same resources within minutes, or even seconds. This allows ‘time sharing’ of overall resources so that a first environment can be ‘alive’ or operative for a time period defined by the system architect (e.g., daily two-hour slot), followed by second, third and fourth environments being instantly created for the next four hours for three different customers, and so on. After a time period expires, such environments might either manually or automatically de allocate such resources. Since these ‘computing environments’ can be dynamically configured and re-configured out of the same set of resources, these will also be

referred to as ‘Dynamic Computing Environments’.” (Specification, p. 7, lines 27, to p. 8, line 12)

Thus, a dynamic computing environment thus includes one or more resources that are allocated in order to form the dynamic computing environment, and then shared and used to support the users of the dynamic computing environment.

As recited in claim 1, these resources are *allocated* to form a dynamic computing environment *using a first user interface*. The resource is *shared* between the first user interface and a *second user interface*. An application is then *executed* on the resource using either the first or second user interface. Information generated by the execution of the application is transferred to the first user interface, and transferring the information to the second user interface in response to a command to collaborate with the second user interface.

As can be seen, the first and second user interfaces are used throughout the claim. Applicants are unable to identify, either in the cited portions of McConica or elsewhere therein, the use of a user interface to allocate and share a resource of a dynamic computing environment, as well as the other listed functions. By contrast, McConica simply employs a user interface to control an appliance. No collaboration is suggest nor taught by McConica, nor the allocation of one device or another, with regard to the formation of a dynamic computing environment.

As noted earlier, Applicants respectfully note that the rejection of claim 1 (particularly of the last two elements recited therein) lack specificity sufficient for Applicants to respond, in turn, with a level of specificity greater than that provided above. Applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been

designated as nearly as practicable, and the pertinence of the cited sections has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Nevertheless, the applicants have made every effort to respond to the rejections outlined by the Examiner.

Further, while some correspondence can be drawn between the recited resource of claim 1 and the resource computer of claims 5 and 18, the latter is even more distinguishable from McConica. Specifically, McConica's system is intended to include family members (appliances) in a family, and allow them to communicate with one another, without the need for a computer. (col. 2, line 67, to col. 3, line 5) Thus, an advantage of McConica's system is its lack of need for a computer. By contrast, claims 5 and 18 specifically recite a resource computer. This distinction alone renders the issue of McConica's teachings ineffective.

Moreover, Applicants have amended claims 1 and 5 to more clearly present the foregoing distinctions. Claim 1 has been amended to recite the allocation of "... resources of a dynamic computing environment using a first user interface" Claim 5 has been amended to recite that "the first user computer and the second user computer comprise a distributed computing environment." These amendments further clarify the fact that the user interfaces are used in the performance of the actions of claims 1 and 5, actions which are not shown, taught or suggested by the cited references.

Applicants respectfully submit, therefore, that independent claims 1, 5 and 18 are allowable over McConica and Applicants respectfully urge the Examiner to withdraw the §102 rejection of claims 1, 5 and 18. Applicants further respectfully submit that dependent claims 2-4, 6-11, 13, 14 and 19-21 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

Rejection of Claims under 35 U.S.C. § 103

Claims 15-17, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McConica, et al, U.S. Patent No. 6,741,271 (McConica) in view of Ansberry, et al, U.S. Patent No. 5,887,170 (Ansberry).

Applicant submits that any combination of McConica and Ansberry fails to show, teach or suggest the features recited in claims 15-17, 23 and 24. Applicants respectfully submit that, as noted above, McConica fails to teach all the limitations of the claims from which 15-17, 23 and 24 depend..

Applicant respectfully submits that Ansberry, like McConica, fails to show, teach or suggest a dynamic computing environment, and further fails to cure McConica's infirmity with regard to its lack of user interfaces for performing the claimed allocating, sharing, executing and transferring, as well as computing platforms upon which such user interfaces might be expected to be executed. Ansberry is concerned with a method and system for providing for selectively distributing communications between an application and multiple servers, allowing cooperative use of a single copy of an application. Ansberry's system is situated between an application and the multiple servers. Requests from the application, responses to the requests, and events from the multiple servers, are managed in such a way that each server believes it is connected directly to the application and the application believes it is connected directly to a single server. *See* Abstract. Applicants are unable to identify (and the Office Action fails to specify) any part of Ansberry that shows, teaches or suggests a "dynamic computing environment," as recited in independent claims 1, 5 and 18.

Moreover, Applicants are unable to identify any disclosure of the use of the claimed user interfaces in the cited portions of Ansberry, nor, in fact, anywhere else in Ansberry. Thus,

Applicants are unable to discern how McConica, even in view of Ansberry, shows, teaches or suggests the use of a user interface to allocate a resource, share a resource, execute an application on an allocated resource using a user interface or transfer information to either of a first or second user interface, since neither McConica nor Ansberry teach a user interface.

To this end, in fact, Ansberry is directed to a method and system that permits communications without the need for user intervention. As noted, Ansberry is directed to managing communication in such a way that each server believes it is connected directly to the application and the application believes it is connected directly to a single server. *See Abstract.* Thus, not only is the claimed user interface not shown, taught or suggested by Ansberry (and so, the combination of McConica and Ansberry), such a user interface would not be expected to be thusly shown, taught or suggested, as such would not be necessary to the operation of Ansberry.

Accordingly, Applicant submits that claims 15-17, 23 and 24 clearly distinguish over McConica in view of Ansberry. Applicant therefore respectfully submits that claims 15-17, 23 and 24 are allowable for at least the foregoing reasons.

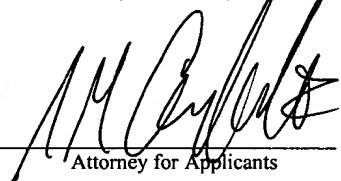
Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McConica, et al, U.S. Patent No. 6,741,271 (McConica) in view of Moayyad, et al, U.S. Patent No. 6,690,400 (Moayyad). Applicants respectfully traverse this rejection on the basis of the traversal of claims 15-17, 23 and 24, with respect to the fact that McConica, even in view of Moayyad, fails to show, teach or suggest a “dynamic computing environment,” as recited in independent claims 1, 5 and 18. Moreover, such a combination would further fail to show, teach or suggest the allocation or sharing of a resource, or the execution of an application, using a user interface, or the transfer of information generated thusly, to a user interface

Accordingly, Applicant submits that claim 12 clearly distinguishes over McConica in view of Moayyad. Applicant therefore respectfully submits that claim 12 is allowable for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450, on October 3, 2005.

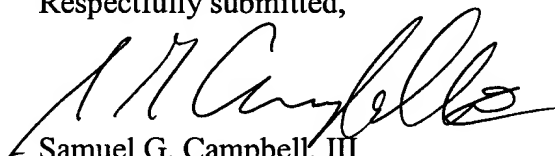


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10/3/05

Date of Signature

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